

**Frostburg State University
Dual Employment Policy
Exempt and Non-Exempt Employees**

In an effort to meet documented critical need, a current FSU employee may be asked or may volunteer to serve the university in a capacity additional to his or her primary duty. Supervisory approval by the primary supervisor and vice- president shall be required in all instances. When such need arises, the following guidelines shall apply:

Exempt Employees:

1. Prior to employment, affected parties shall complete the "[Dual Employment Certification](#)" form, obtain appropriate signatures, and return the completed form to OHR.
2. The employee shall maintain positive time records to document duty days for primary and secondary duties.
3. Employees shall not be compensated for secondary duties, which coincide with hours submitted from the primary department.
4. Employees may not teach more than two courses, regardless of credit hours, during fall and spring semesters, and one course, regardless of credit hours, during each summer session and intersession.

Non-Exempt Employees:

1. Prior to employment, affected parties shall complete the "[Dual Employment Certification](#)" form, obtain appropriate signatures, and return the completed form to OHR.
2. The employee shall maintain positive time records to document hours worked in the primary and secondary position.
3. If the secondary contract causes the employee to be in an overtime status, (more than 40 hours worked per week), OHR will work with payroll to determine the appropriate overtime rate of pay, per Fair Labor Standards Act (FLSA), guidelines.
4. Where an employee's primary duty is non-exempt, per FLSA regulations, he/she must also be classified as non- exempt in the secondary position even if that position, standing alone, would be considered exempt. Thus, lump sum payments or daily rates are unacceptable and all work must be tracked in terms of hours and paid according to an hourly rate. Rates of both jobs shall be blended per FLSA regulation to determine the appropriate overtime rate, where applicable.
5. Overtime shall be charged to the secondary department.
6. Should unanticipated overtime occur, payroll shall notify the secondary department so that appropriate steps may be taken to avoid such a scenario in the future.
7. Employees shall not be compensated for secondary duties, which coincide with hours submitted from the primary department.
8. Employees may not teach more than two courses, regardless of credit hours, during fall and spring semesters, and one course, regardless of credit hours, during each summer session and intersession.

NOTE: Employee may not begin dual employment until step 1 is complete.

NOTE: Full-time non-exempt employees should not routinely and/or consistently serve in a dual capacity as this places the employee in an overtime status for all secondary hours worked. Secondary employment for fulltime non-exempt personnel should occur in emergency situations only.

Approved by FSU Executive Committee 10/2000; Updated 6/2015.